IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3400 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GORDHANBHAI R PATEL - Petitioner(s)
Versus
S N SINHA & 1 - Respondent(s)

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Appearance :
NOTICE SERVED for Petitioner(s) : 1,
MR L B DABHI, Ld.AGP for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 25/01/2006

ORAL JUDGMENT

1. The petitioner has filed this petition under Article 226 of the Constitution of India praying for quashing and setting aside the suspension order

dated 08.07.1987 as well as transfer order dated 08.07.1987.

2. The petition was admitted and rule was issued on 12.08.1987. However, no interim relief was granted by this Court. Since the petitioner was involved in C.R.No.3 of 1987 for the alleged offence punishable under Sections 161, 201, 511 and 34 and Under Section 5(2) of Prevention of Corruption Act, the petitioner was suspended by an order dated 08.07.1987. On the same day, the petitioner was transferred from Vatva Police Station to Leave Reserved Head Quarter. The petition was filed by the learned advocate who was later on elevated to the Bench of this Court.

3. Fresh notice was issued and the same was duly served. However, nobody appears on behalf of the petitioner nor any arrangement has been made by the petitioner to engage another advocate for representing his case before this Court.

4. The court is therefore of the view that the

petitioner has lost his interest in pursuing this matter. Even otherwise, the order of suspension as well as transfer order passed in the year 1987 must have been resulted into departmental inquiry wherein necessary orders must have been passed, which might have been challenged by the petitioner if passed against the petitioner. In any case, by efflux of time the issue involved in the present petition might not have survived. The court, therefore, does not see any justification in interfering in the said two orders.

5. The petition is therefore, dismissed. Rule discharged without any order as to costs.

(K.A.PUJ, J.)

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